

United States District Court  
Southern District of Texas

**ENTERED**

December 18, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Juan Ramon Torres, Christopher Robison, as  
Executor of the Estate of Eugene Robison,  
Deceased, and Luke Thomas,

Civil Action No. 4:09-cv-2056

Plaintiffs,  
vs.  
SGE Management, LLC, *et al*,  
Defendants.

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**ORDER REGARDING PAYMENT OF ATTORNEYS' FEES**

On October 11, 2018 the Court entered its "Order Granting Final Approval and of Class Action Settlement and Final Judgment" [Dkt. 317] ("Final Judgment") approving the class settlement, including an award of attorneys' fees and costs to Class Counsel and Associated Counsel of \$10,275,000 under the parties' the Settlement Agreement, but reserving the division of attorneys' fees among Class Counsel and Associated Counsel. The Final Judgment has not been appealed and is final. After issuing the Final Judgment, the Court issued a separate order in which it allocated the total \$10,275,000 attorneys' fees and costs award between and among Class Counsel and Associated Counsel (Allocation Order), which is the subject of a pending appeal to the Fifth Circuit. Under the circumstances, the Class Representatives and plaintiffs, all defendants, and all Class Counsel and Associated Counsel save one (Scott Clearman) have agreed and stipulated how attorneys' fees award should be initially paid by defendants. The Court enters this order to implement this agreement and effect the relief provided in its Final Judgment and Allocation Order as follows:

1. Defendants shall pay to Class and Associated Class Counsel the amount of \$5,137,500 within three business days of entry of this order. That payment shall be divided as

follows: \$792,764 to Scott Clearman/The Clearman Law Firm, by check or wired to an account designated by Mr. Clearman; \$4,344,736 to Andrew Kochanowski/Sommers Schwartz, by check or wired to an account designated by Mr. Kochanowski for further distribution to Messrs. Kochanowski, Prebeg, Burnett, and Citron and their respective firms. Defendants shall further deposit to the registry of the Court an additional \$5,137,500 by January 25, 2019. The deposit of these amounts shall fully and finally satisfy defendants' obligation to pay attorneys' fees and costs under the parties' Settlement Agreement and the Court's Final Judgment, Allocation Order, and any further order(s) regarding the allocation of fees.

2. The Court further orders and finds that, regardless of the outcome of the pending appeal on fee allocation, defendants shall have no role or responsibility to pay any further amounts to any person regarding attorneys' fees. If the pending appeal by any Class Counsel or Associated Class Counsel or Class Representatives, individually as plaintiffs or on behalf of the Class or in any subsequent proceedings, should cause any reallocation of the \$10,275,000 fee award between or among Class or Associated Counsel, that reallocation of funds shall be accomplished without any additional payment or action by defendants.

3. Class Counsel and Associated Counsel may move the Court or appellate courts regarding distribution of the amounts deposited in the Court's registry after funds are deposited by January 25, 2019. This Court has previously denied a motion for stay of judgment by Class Counsel Clearman. This Order shall not abrogate or otherwise modify the effect of that order denying a stay of judgment.

4. The Court denies all relief sought not granted by this order.

It is so ORDERED.

SIGNED on this 18<sup>th</sup> day of December, 2018.



Kenneth M. Hoyt  
United States District Judge